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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Paul B. Merkel, et al

IMAGE-RECORDING ELEMENT  
WITH FLUROSURFACTANT AND  
COLLOIDAL PARTICLES

Serial No. 10/622,421

Filed 18 July 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 1774

Examiner: Pamela R. Schwartz

I hereby certify that this correspondence is being  
deposited today with the United States Postal  
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Alexandria, VA 22313-1450.

*Robin G. DePoint*

Robin G. DePoint

*May 12, 2005*

Date

**Response**

This is in response to the Restriction Requirement mailed April 12, 2005 in the above-identified application.

The Examiner has required restriction as stated in paragraph 1 as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention: a) an image recording element comprising an image-receiving layer comprising polymeric binder which is 1) polyvinyl alcohol (cl. 6-8), 2) gelatin (cl. 9), or 3) polyvinylalcohol-co-ethyleneoxide (cl. 10), and b) an image recording element comprising an image-receiving layer comprising a fluorosurfactant which is 1) that of claim 11, 2) that of claim 12, 3) that of claims 13-15, 4) that of claims 16-18, or 5) that of claims 19-21.

The Examiner states that the applicant is required under 35 USC 121 to elect a single disclose species for prosecution on the merits. The Examiner

states that claims 1-5 and 2-34 are generic. The Examiner states it is intended that applicants elect both the polymeric binder and fluorosurfactant as set forth in the paragraph reproduced above.

The applicant hereby elects polymer group a) (1) drawn to polyvinyl alcohol claims 6-8. The applicant further elects the fluorosurfactant b) (3) claims 13-15. Generic claims are claims 1-5 and 22-34. These elections are with traverse.

It is respectfully requested that this restriction requirement be reconsidered and withdrawn. The search restriction to these materials will not significantly narrow the search as the materials are related and claim is limited to an image recording element. It is respectfully urged that in accordance with compact prosecution the claims should all be examined together. Therefore, it is respectfully requested that the restriction requirement be reconsidered and withdrawn.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul A. Leipold", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.